THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 12642 of 2002

DATED: 04.07.2007

Between:

Koneti Rajakumar @ Rajesh

.. Petitioner.

And

Station House Officer,
III Town PS, Tenali,
Guntur District,
and others.

.. Respondents.

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No.12642 of 2002

ORDER:

In this writ petition, the petitioner has questioned by way of mandamus, the action of the respondents in opening and continuing the rowdy sheet No.75/1998 against the petitioner in III Town P.S., Tenali, as arbitrary and unlawful.

2. It is the case of the petitioner that he belongs to an Erukala community, which is notified as a Scheduled Tribe. It is stated that the parents and brother of the petitioner are Government employees working in the Department of Police and Railways. Further, the petitioner alleges that a case was registered against him in Crime No.39 of 1997 by III Town Police station, Tenali, for the offences under Sections 302 and 324 IPC, and in view of his involvement in the said crime, rowdy sheet No.75/1998 was opened against him.

The main grievance of the petitioner is that the mere allegation of his involvement in one case i.e., Cr.No.39 of 1997 of III Town Police Station, Tenali, is no ground for opening a rowdy sheet against him as per the A.P. Police Standing Orders. It is also his case that in spite of his making a representation, no review assessment was taken up.

3. In the counter affidavit filed on behalf of the respondents, it is stated that a rowdy sheet was opened against the petitioner in view of his involvement in a case i.e., in Cr.No.39 of 1997 on 21.03.1997,

under Section 302 read with 34 IPC. Though it is stated that after opening of the said rowdy sheet against the petitioner, the same is being reviewed and renewed every year, but no further particulars are given on what basis the rowdy sheet opened against the petitioner has been continued.

4. As per A.P. Police Standing Order No.742, the police is empowered to open a rowdy sheet against any person against whom two or more cases are registered. But, however, in this case, it is not in dispute that as on the date of opening of the rowdy sheet against the petitioner on 05.01.1998, only one case was registered against him.

5. Learned counsel for the petitioner contended that even the said one case registered against the petitioner i.e., Cr.No.39 of 1997 of III Town P.S., Tenali, which was numbered as SC.665 of 1997 on the file of I-Additional Sessions Judge, Guntur, ended in acquittal by judgment, dated 12.02.2002, and in absence of more than one case registered against the petitioner, there appears no valid reasons either for opening a rowdy sheet against him or to continue the same for further years without properly assessing his involvement in any other crimes.

6. The very same aspect is considered by this Court in a judgment of **Ejaz vs. Government of Andhra Pradesh and others**[1], wherein the learned Single Judge has interpreted the Standing Order No.742 of A.P.Police Standing Orders, and held that as per the said Standing Order, a person's involvement in more than two cases on the allegation of involving in lawless activities resulting in breach of peace should be in existence to open a rowdy sheet against that person.

In view of the fact that there was only one case registered

against the petitioner and that too ended in acquittal, and also in the absence of the petitioner's involvement in any other cases, it is a fit case to quash the rowdy sheet opened against the petitioner.

For the aforementioned reasons, the rowdy sheet No.75 of 1998 opened against the petitioner in connection with Crime No.39 of 1997 of III Town P.S., Tenali, is hereby quashed, and accordingly, the writ petition is allowed.

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(R.SUBHASH REDDY,J)

Dt.04.07.2007
v v

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[1] 1998 (2) ALT 469